

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

STINNETT GROUP, LLC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 1:06-cv-634-WKW
	)	
AUTO OWNERS INSURANCE, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER AND CONSENT JUDGMENT**

This matter is before the court on the Joint Stipulation (Doc. # 13) between the plaintiff, Stinnett Group, LLC, and the defendant Auto-Owners Insurance, whose true and correct name is Owners Insurance Company (“Owners Insurance”), to consent pro tanto judgment in favor of Owners Insurance and against Stinnett Group. It is hereby ORDERED, ADJUDGED, and DECREED that:

1. Judgment is entered in favor of Owners Insurance and against Stinnett Group declaring that Owners Insurance has no duty to defend Stinnett Group as to any of the claims asserted in the Huff Associates counterclaim, as amended, in the underlying state court action filed in the Circuit Court of Lee County, Alabama, styled Stinnett Group, LLC v. Huff & Associates Co., Inc., Civil Action No. CV-04-797;

2. As the liability of Stinnett Group has not been adjudicated in the underlying action (CV-04-797), Stinnett Group’s and Owners Insurance’s claims for declaratory relief regarding duty to indemnify are not sufficiently ripe to present a “case or controversy” and are, therefore, dismissed without prejudice. See State Auto Prop. & Cas. Ins. Co. v. Calhoun, No. 2:05-cv-122, 2005 WL 2406055 (M.D. Ala. Sept. 29, 2005);

3. Costs are taxed as paid; and
4. All pending motions are DENIED as MOOT, and any remaining dates and deadlines are cancelled.

The Clerk of the Court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DONE this the 1 st day of June, 2007.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE